UNITED STATES DISTRICT COURT EASTERN DISTRICT OF TENNESSEE at KNOXVILLE

JAMES M. FLINN)	
)	
Petitioner,)	
)	
V.)	No. 3:08-cv-225
)	Phillips
)	-
STATE OF TENNESSEE)	
)	
Respondent.)	

JUDGMENT ORDER

In accordance with the accompanying Memorandum, the respondent's motion to dismiss is **GRANTED**. The petition for the writ of habeas corpus is **DENIED** and this action is **DISMISSED WITHOUT PREJUDICE**. Should the petitioner give timely notice of an appeal from this decision, such notice will be treated as an application for a certificate of appealability, which under the circumstances is hereby **DENIED**. The court **CERTIFIES** that any appeal from this action would not be taken in good faith and would be totally frivolous.

ENTER:	
	s/ Thomas W. Phillips
	United States District Judge

ENTERED AS A JUDGMENT
s/ Patricia L. McNutt
CLERK OF COURT